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Before the
Federal Communications Commission
Washington, DC 20554

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MAY 19 2005

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Southwest City, Missouri; Gravette, Arkansas))

Filed With: **Office of the Secretary**

To: **Assistant Division Chief, Audio Division**
Media Bureau

PETITION FOR RULEMAKING

KERM, Inc. ("KERM"), by its attorney, hereby requests that the Commission amend the FM Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Southwest City, MO	262A	—
Gravette, AR	—	262A

In support thereof, the following is stated:

This proposal is being refiled to satisfy the informational requests contained in the attached letter from the Commission. Attachment 1. KERM proposes to change the city of license of Station KURM-FM from Southwest City, Missouri. Southwest City will continue to be served by Station KLTK(AM). In contrast, Gravette, Arkansas, in addition to being a larger community, currently is without local service. Thus, this proposed reallocation would result in a preferential arrangement of allotments.

Southwest City (or South West City, as it is listed in the United States Census), has a

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2000 Census population of only 855 persons, yet it has two stations currently licensed to it. In contrast, Gravette city has a 2000 Census population of over twice that of Southwest City (1,810 persons) but no local service. Gravette is an incorporated city with a growing population. This city maintains its own post office and its zip code is 72736. Founded as a city in 1893, it has grown from a primarily farming community to include manufacturing and services. Gravette has its own professional police and fire departments. The police force consists of seven full-time men and six part-time persons who cover the city limits of Gravette. The Gravette fire department consists of 20 members. Gravette also has its own sewer and wastewater system. The general City Hall consists of a planning commission, and parks, recreation, and public works departments, which are overseen by the City government consisting of a Mayor and six-member City Council. The City also has its own school system, consisting of Gravette High School, Gravette middle school, Gravette Upper Elementary, and Glenn A. Duffy Elementary School.

The allotment can be established at the current reference point for KURM-FM, at 36° 30' 48"N, 94° 36' 42"W. This proposal is in full accord with all existing allotments and proposals, and will provide city-grade service to the entirety of Gravette. Attachment 2. Insofar as the reference point is the same as the reference point for the existing station, there will be no "loss" or "gain" areas involved in this rulemaking change.

Adoption of this proposal will be in the public interest. Approval of this proposal will allow KERM to provide first new first local aural service to Gravette, a city fully deserving of its own local service. In contrast, the town of Southwest City will continue to be served by AM station KLTK(AM), 1140 kHz. KERM pledges to expeditiously apply for and to construct this proposed facility if the community of license change for this facility is granted.

Accordingly, KERM, Inc. respectfully requests that this Petition be adopted and that the Commission issue a Notice of Proposed Rulemaking to amend the FM Table of Allotments as specified above, and accept comments thereon.

Respectfully submitted,

KERM, INC

By: 

Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201*

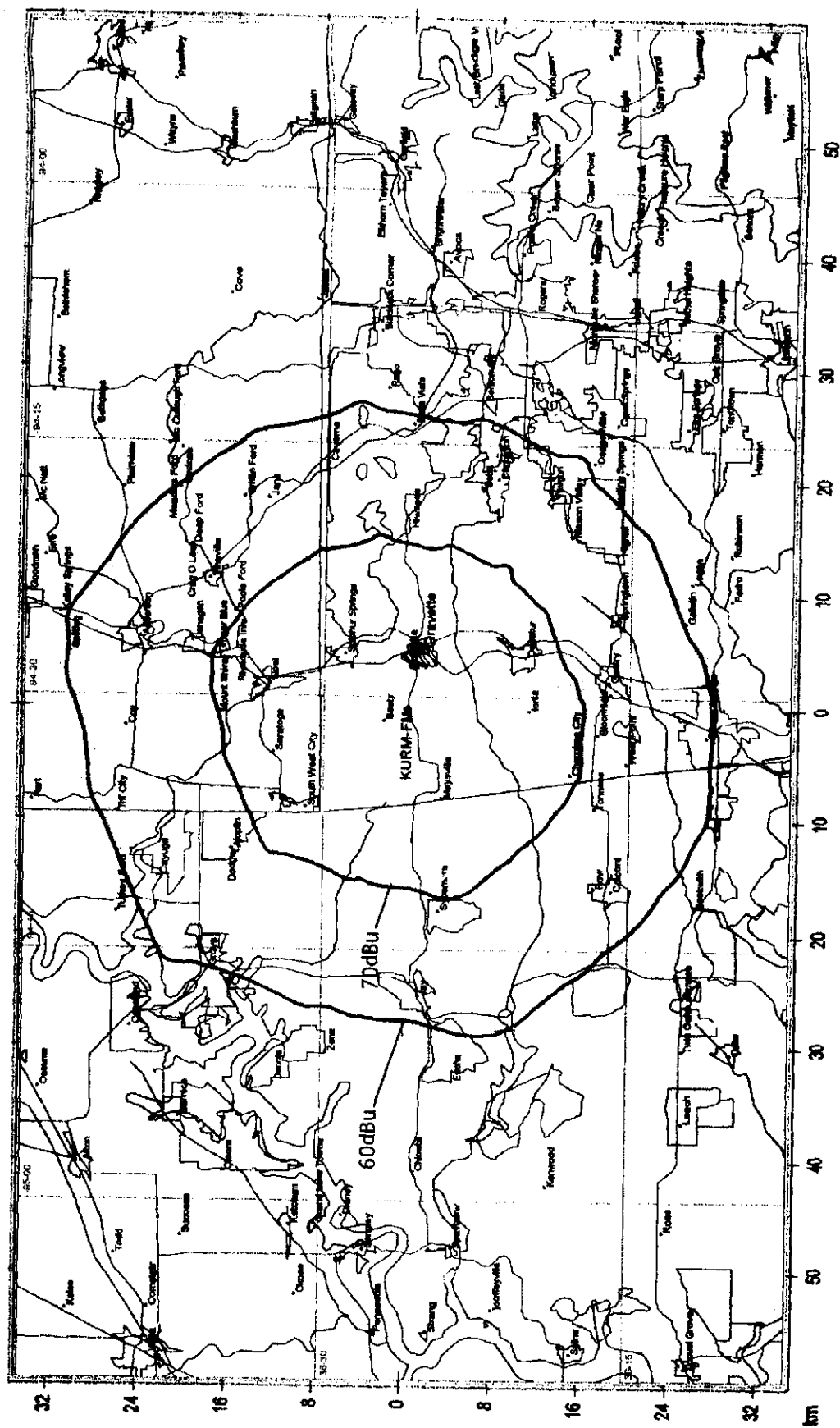
703-243-8690

May 17, 2005

Attachment 1

ComStudy 2.2 search of channel 262 (100.3 MHz Class A) at 36-25-54.0 N, 94-30-46.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
KBTN-FM	NEOSHO	MO	259	C3	53.19	42.00	4.9	11.2
KCXR	TAFT	OK	262	A	117.44	115.00	234.3	2.4
KGLC	MIAMI	OK	265	A	56.41	31.00	334.8	25.4
KGMV-FM	AURORA	MO	263	C2	115.30	106.00	50.0	9.3
KOMC-FM	KIMBERLING CITY	MO	261	C2	106.71	106.00	83.6	0.7
KTCN	EUREKA SPRINGS	AR	265	A	68.84	31.00	94.6	37.8



Attachment 2



Federal Communications Commission
Washington, D.C. 20554

May 6, 2005

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, Virginia 22201

Dear Mr. Alpert:

This is in response to the petition for rule making you filed on March 29, 2005 on behalf of KERM, Inc., licensee of Station KURM-FM, Channel 262A, Southwest City, Missouri. That petition requests the reallocation of Channel 262A from Southwest City to Gravette, Arkansas and the modification of Station KURM-FM's license to reflect the new community. The petition for rulemaking proposes to use the Station KURM-FM license site, with coordinates, but the petition includes no other engineering information.

We are returning your petition for rulemaking. The petition did not provide a technical showing including a channel study for the site you specify to demonstrate that this proposal would comply with the minimum distance separation requirements of Section 73.207 of the Commission's Rules. Further, it makes no showing that Station KURM-FM would place a city grade signal over the entire community of Gravette as required by Section 73.315(a) of the Commission's Rules.

Based on the reasons stated above, we are returning this petition for rule making. You may re-file this petition, provided the proposal meets all the requirements stated above.

Sincerely,

A handwritten signature in black ink, which appears to read "John A. Karousos", is written over a large, stylized oval shape.

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

Enclosure